

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

John K. Goodrow,	:	
Plaintiff,	:	
v.	:	Civil Action No: 3:11-cv-00020-MHL
Friedman & MacFadyen, P.A. and	:	
Johnie R. Muncy,	:	
Defendants.	:	
<hr style="border-top: 3px double #000;"/>		
Michelle McBeth,	:	
Plaintiff,	:	
v.	:	Civil Action No: 3:11-cv-00479-MHL
Friedman & MacFadyen, P.A. and	:	
Johnie R. Muncy,	:	
Defendants.	:	
<hr style="border-top: 3px double #000;"/>		
Adam Mbundure,	:	
Plaintiff,	:	
v.	:	Civil Action No: 3:11-cv-00489-MHL
Friedman & MacFadyen, P.A. and	:	
Johnie R. Muncy,	:	
Defendants.	:	
<hr style="border-top: 3px double #000;"/>		
Albert C. Ceccone,	:	
Plaintiff,	:	
v.	:	Civil Action No: 3:11-cv-00555-MHL
Friedman & MacFadyen, P.A. and	:	
Johnie R. Muncy,	:	
Defendants.	:	
<hr style="border-top: 3px double #000;"/>		

Allen Chatter, :

Plaintiff, :

v. : Civil Action No: 3:11-cv-00613-MHL

Friedman & MacFadyen, P.A., :

F&M Services, L.C. and :

Johnie R. Muncy, :

Defendants. :

Letonya Banks, :

Plaintiff, :

v. : Civil Action No: 3:11-cv-00614-MHL

Friedman & MacFadyen, P.A., :

F&M Services, L.C. and :

Johnie R. Muncy, :

Defendants. :

Ivery Hicks, :

Plaintiff, :

v. : Civil Action No: 3:11-cv-615-MHL

Friedman & MacFadyen, P.A., :

Miriam S. Fuchs, Jeffrey Huston, :

James J. Loftus, Kenneth J. MacFadyen, :

And Daniel Menchel, :

Defendants. :

Knorly Smith, :

Plaintiff, :

v. : Civil Action No: 3:11-cv-00616-MHL

Friedman & MacFadyen, P.A., :

Miriam S. Fuchs, Jeffrey Huston, :

James J. Loftus, Kenneth J. MacFadyen, :

And Daniel Menchel, :

Defendants. :

Peter Crawley,	:	
Plaintiff,	:	
v.	:	Civil Action No: 3:11-cv-00617-MHL
Friedman & MacFadyen, P.A.,	:	
F&M Services, L.C. and	:	
Johnie R. Muncy,	:	
Defendants.	:	

Laurel Buel and	:	
Milton Buel,	:	
Plaintiffs,	:	
v.	:	Civil Action No: 3:11-cv-00716-MHL
Friedman & MacFadyen, P.A.,	:	
F&M Services, L.C. and	:	
Johnie R. Muncy,	:	
Defendants.	:	

PLAINTIFFS' MEMORANDUM IN SUPPORT OF
CONSENT MOTION TO CONSOLIDATE

Plaintiffs have moved pursuant to Fed. Civ. P. 42(a) that the above-styled cases be consolidated for purposes of case management and scheduling, and for the purpose and duration of the mediation process sought by all parties.

Pursuant to Federal Rules of Civil Procedure 42(a) and 16(c)(2), Plaintiffs in each of the above-styled cases move, with the consent of the Defendants, that the above actions be consolidated for the limited purposes of pre-trial management and mediation. The Parties have each consented to jurisdiction of this Court. They share the objective of establishing an efficient

and effective process to attempt mediation of these cases. Only two of the matters are currently past their Rule 16(b) scheduling conference.

Where cases “involving a common question of law or fact” are pending before a court, that court may (i) “order a joint hearing or trial of any or all the matters in issue in the actions,” (ii) “order all the actions consolidated,” and (iii) “make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.” Fed. R. Civ. P. 42(a). In making a decision on consolidation, the Court must determine whether “the specific risks of prejudice and possible confusion [from consolidation are] overborne by the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense to all concerned.” *Arnold v. Eastern Air Lines Inc.*, 681 F.2d 186, 193 (4th Cir.1982). See also *In re MicroStrategy Inc. Sec. Litig.*, 110 F. Supp. 2d 427, 431 (E.D. Va. 2000).

In the present matter, these cases and claims are substantially similar, involving similar or identical causes of action and questions of law. In fact, the only material differences between the cases are the types and degrees of actual damages. The Parties have agreed that consolidation for this limited purpose (as opposed to a consolidated trial) would best utilize the District’s judicial resources and minimize resource waste between the litigants.

Accordingly, the Plaintiffs move and Defendants have consented to order the consolidation of the cases for joint scheduling and an orderly case management sequence to permit an early and comprehensive settlement process.

Respectfully submitted,

/s/

Dale Wood Pittman, VSB#15673
The Law Office of Dale W. Pittman, P.C.
112-A W. Tabb Street
Petersburg, VA 23803
Telephone: (804) 861-6000
Facsimile: (804) 861-3368
E-mail: dale@pittmanlawoffice.com

Leonard A. Bennett, Esq., VSB #37523
Attorney for Plaintiff
CONSUMER LITIGATION ASSOCIATES, P.C.
763 J. Clyde Morris Boulevard, Suite 1-A
Newport News, Virginia 23601
(757) 930-3660 - Telephone
(757) 930-3662 – Facsimile
Email: lenbennett@cox.net

Robin Ann Abbott
Consumer Litigation Associates, PC
763 J. Clyde Morris Boulevard, Suite 1-A
Newport News, Virginia 23601
Telephone: (757) 930-3660
Facsimile: (757) 930-3662
E-mail: rabbottlaw@msn.com

Gary L. Abbott
Consumer Litigation Associates, PC
763 J. Clyde Morris Boulevard, Suite 1-A
Newport News, Virginia 23601
Telephone: (757) 930-3660
Facsimile: (757) 930-3662
Garyabbott9@msn.com

Susan Mary Rotkis
Consumer Litigation Associates, PC
763 J. Clyde Morris Boulevard, Suite 1-A
Newport News, Virginia 23601
Telephone: (757) 930-3660
Facsimile: (757) 930-3662
E-mail: srotkis@clalegal.com

Kristi Cahoon Kelly, Esq., VSB #72791
SUROVELL ISAACS PETERSEN & LEVY PLC
4010 University Drive, 2nd Floor
Fairfax, VA 22030
Telephone: (703) 277-9774
Facsimile: (703) 591-9285
E-mail: kkelly@sipfirm.com

John Chapman Petersen
SUROVELL ISAACS PETERSEN & LEVY PLC
4010 University Drive, 2nd Floor
Fairfax, VA 22030
Telephone: (703) 277-9774
Facsimile: (703) 591-9285
E-mail: jpetersen@smillaw.com

Matthew James Erausquin
Consumer Litigation Associates, P.C.
1800 Diagonal Road
Suite 600
Alexandria, VA 22314
Telephone: (703) 273-6080
Facsimile: (888) 892-3512
E-mail: matt@clalegal.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on November 10, 2011, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing (NEF) to the following:

Andrew T. Rich, Esquire
FRIEDMAN & MACFADYEN, P.A.
Surry Building, Suite 125
1601 Rolling Hills Drive
Richmond, Virginia 23229
trich@fmlaw.com

Andrew Biondi
Sands Anderson, PC
1111 E. Main Street
Suite 2400
P.O. Box 1998
Richmond, VA 23219
E-mail: abiondi@sandsanderson.com

Douglas Pendleton Rucker, Jr.
Sands Anderson, PC
1111 E. Main Street
Suite 2400
P.O. Box 1998
Richmond, VA 23218-1998
E-mail: drucker@sandsanderson.com

Cullen Dennis Selzer
Sands Anderson, PC
1111 E. Main Street
Suite 2400
P.O. Box 1998
Richmond, VA 23218-1998
E-mail: cseltzer@sandsanderson.com

Counsel for Defendants

/s/
Dale Wood Pittman, VSB#15673
The Law Office of Dale W. Pittman, P.C.
112-A W. Tabb Street
Petersburg, VA 23803
Telephone: (804) 861-6000
Facsimile: (804) 861-3368
E-mail: dale@pittmanlawoffice.com